

SENATE BILL 357

By Ford J

AN ACT to amend Tennessee Code Annotated, Title 65, Chapter 11, Part 1, relative to maintenance of public highway railroad crossings and railroad rights-of-way.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 65-11-101(a), is amended by designating the existing language as subdivision (1) and by adding the following language to be designated as subdivision (2):

(2) In addition to maintenance of public highway crossings as provided in subdivision (1), all persons, or corporations, owning or operating a railroad in this state are required to maintain, at the railroad company's own expense, all railroad right-of-way properties within municipal boundaries in accordance with local health and environmental laws and ordinances.

SECTION 2. Tennessee Code Annotated, Section 65-11-101, is further amended by adding the following language as a new subsection (d):

(d) For purposes of improving and maintaining public streets and thoroughfares within its jurisdiction, each municipality and county is authorized to adopt by reference the provisions of this section which are appropriate to its jurisdiction without setting forth the provisions of this section in full; provided, that one (1) copy of such section that is

incorporated or adopted by reference is filed in the office of the clerk or recorder of the municipality or office of the clerk of the county. Any municipality or county which complies with the provisions of this subsection is further authorized to enforce the penalties included in § 65-11-102 for noncompliance.

SECTION 3. Tennessee Code Annotated, Section 65-11-102, is amended by adding the following language at the end of the section:

Each day that any person or corporation owning or operating a railroad in this state is in violation of § 65-11-101 constitutes a separate violation.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.